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Remarks

-Claims 1-7 were pending in the application.

Claims 8-13 have been previously withdrawn.

Claims 1-7 have been amended.

Claims 14-16 have been added.

Accordingly, after this amendment, claims 1-7 and 14-16 are pending.

Claims 1-7 are Patentable over LaHaye

Claims 1-7 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,269,307 to LaHaye (hereinafter "LaHaye"). Claim 1 has been amended to recite an intraocular lens assembly and now positively recites, *inter alia*, an IOL having a first and second optics.

LaHaye does not disclose an intraocular lens assembly comprising an IOL having a first and second optics. Accordingly, claim 1 as amended is patentable over LaHaye.

Claims 2-7 depend from claim 1 and are patentable over LaHaye for at least the same reason as claim 1.

Claims 1-7 are Patentable over Tunis

Claims 1-5 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,549,614 to Tunis (hereinafter "Tunis"). Claims 6 and 7 were rejected under 35 USC 103 as being unpatentable over the combination of Tunis and LaHaye.

As stated above, claim 1 has been amended to recite an intraocular lens assembly and now positively recites, *inter alia*, an IOL having a first and second optics.

Tunis does not disclose an intraocular lens assembly comprising an IOL having a first and second optics. Accordingly, claim 1 as amended is patentable over Tunis.

Claims 2-5 depend from claim 1 and are patentable over Tunis for at least the same reason as claim 1.

Regarding claims 6 and 7, neither Tunis nor LaHaye disclose an intraocular lens assembly comprising an IOL having a first and second optics. Accordingly, claims 6 and 7 are patentable over any combination of Tunis and LaHaye.

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**Regarding Nonstatutory Double Patenting**

Claims 1-7 were provisionally rejected because it is alleged that there exists nonstatutory obviousness-type double patenting over claims 1-12 of copending application 10/920,623 in view of LaHaye or Tunis. The Applicants elect not to address the substance of the allegation at this time because the present application is earlier filed than the 10/920,623 application.

The Applicant's respectfully point out that, per MPEP §804 I, B, 1, should this double patenting rejection become the only remaining rejection of the claims, this double patenting rejection should be withdrawn because the present application is earlier filed than the 10/920,623 application.

Respectfully submitted,



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